

TAB K

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## UNITED STATES DISTRICT COURT

## DISTRICT OF MASSACHUSETTS

CYCLE-CRAFT COMPANY, INC., )

d/b/a BOSTON )

HARLEY-DAVIDSON/BUELL, ) DOCKET NO.:

Plaintiff ) 04-11402-NMG

vs. )

HARLEY-DAVIDSON MOTOR COMPANY, )

INC., AND BUELL DISTRIBUTION )

COMPANY, LLC, )

Defendants. )

## VIDEO DEPOSITION OF JAMIE E. MCGRATH

DATE: MAY 20, 2005

TIME: 9:08 A.M.

PLACE: BINGHAM MCCUTCHEN LLP

150 FEDERAL STREET

BOSTON, MA 02110

**MEDEIROS STENO & VIDEO GROUP****"THE TRAVELING REPORTER FOR THE TRAVELING LITIGATOR SINCE 1988"****\*Boston: 617.590.9767****\*New York:/NJ 646.413.4499****\*Florida 305.321.7414****\*E-mail: depo@gomedeiros.com****\*Depositions****\*Arbitrations****\*E-transcript****\*V ideo****\*MA \*CT \*NY \*NJ \*FL**

5/20/05 DEPOSITION OF JAMIE MCGRATH

44

1 Q. Do you know if Sheila Firth ever -- first  
2 of all, actually, just a second.

3 So do you know whether Dan and John  
4 Sica both planned to buy these cycles?

5 A. I don't know exactly.

6 Q. What do you mean you don't know exactly?

7 A. I don't know. I don't know.

8 Q. Okay. Do you know whether they actually  
9 did ever buy a cycle?

10 A. Yes.

11 Q. Or these cycles?

12 A. Uh-huh.

13 Q. Okay. Did they?

14 A. These cycles?

15 Q. Yes.

16 A. No.

17 Q. And Sheila Firth, did she ever buy that  
18 cycle listed next to her name?

19 A. No.

20 Q. Do you know whether -- you say Dan and  
21 John Sica didn't buy these cycles that are listed  
22 next to their names, correct?

23 A. Uh-huh.

24 Q. Do you know whether they ever signed a

1 contract or put down a down payment on these cycles?

2 A. I don't know.

3 Q. And same with Sheila, do you know whether  
4 she ever signed a contract or put a down payment on  
5 this cycle?

6 A. I don't know.

7 Q. Okay. And you didn't do that with respect  
8 to the cycle that's next to your name, correct?

9 A. I don't remember.

10 Q. You don't remember whether you ever signed  
11 a contract or put down money on this cycle?

12 A. No, I don't remember. I don't recall.

13 Q. In any event, you didn't buy this  
14 motorcycle, correct?

15 A. Correct, yes.

16 Q. Can you tell me the time period that  
17 Sheila, Dan, and John were considering buying these  
18 cycles next to their name?

19 A. Not exactly, no.

20 Q. Did you ask them to purchase these cycles?

21 A. Not that I can remember specifically.

22 Q. Do you know if anyone else at the  
23 dealership asked them to purchase these cycles?

24 A. I don't know.